

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Jonathan BERALL, M.D., M.P.H.,
Plaintiff,

vs.

VERATHON INC., et al.,
Defendants.

Civil Action No. 1:10-cv-05777-BSJ

NOTICE OF MOTION TO STAY

**VERATHON, INC.'S
NOTICE OF MOTION TO STAY**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Joel B. Ard, sworn to on November 16, 2010, and the exhibits thereto and, the accompanying memorandum of law, defendant Verathon Inc. will move, for an order staying the proceedings in this action on the grounds that

1. a stay pending resolution of Verathon Inc.'s Request for Ex Parte Re-Examination, U.S. Patent and Trademark Office Control No. 90/011,308, serves the interest of judicial economy and creates no prejudice to any party.

DATED this 16th day of November, 2010.

Respectfully submitted,

s/Richard C. Pettus

Richard C. Pettus
King & Spalding LLP (NYC)
1185 Avenue of the Americas
New York, NY 10036
(212) 556-2130
Fax: (212) 556-2222
rpettus@kslaw.com

Richard T. Black, Admitted *Pro Hac Vice*

Email: black@blacklaw.com

Lawrence D. Graham, Admitted *Pro Hac Vice*

Email: graham@blacklaw.com

Joel B. Ard, Admitted *Pro Hac Vice*

Email: ard@blacklaw.com

BLACK LOWE & GRAHAM^{PLLC}
701 Fifth Avenue, Suite 4800
Seattle, WA 98104
T: 206.381.3300
F: 206.381.3301

Attorneys for Defendant
Verathon, Inc.

To:

David A. Loewenstein
Pearl Cohen Zedek & Latzer, LLP (1500 B'way)
1500 Broadway, 12th Floor
New York, NY 10036
(646) 878-0800
Fax: (646) 878-0801
Email: DavidL@pczlaw.com

Douglas J. Gilbert
Pearl Cohen Zedek & Latzer, LLP (1500 B'way)
1500 Broadway, 12th Floor

New York, NY 10036
(646)878-0805
Fax: (646) 878-0801
Email: douglasG@pczlaw.com

Cc:
Richard J. Basile
Stetler & Duffy, Ltd.
11 S. Lasalle Street, Suite 1200
Chicago, IL 60603
(203) 324-6155
Fax: (203) 327-1096
Email: rbasile@ssjr.com

Thomas Fisher
Oblon Spivak
1940 Duke Street
Alexandria, VA 22314
(703) 412-7023
Fax (703) 413-2220

Michael Hugh Gibson
Satterlee Stephens Burke & Burke LLP
230 Park Avenue
New York, NY 10169
(212) 404-8726
(212) 818-9606
Email: mgibson@ssbb.com

Richard D. Kelly
Oblon Spivak
1940 Duke Street
Alexandria, VA 22314
(703) 412-7023
Fax (703) 413-2220

James J. Kulbaski
Oblon Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314
(703) 412-7023
Fax (703) 413-2220

Andrew M. Ollis
Oblon Spivak, McClelland, Maier & Neustadt, P.C.

1940 Duke Street
Alexandria, VA 22314
(703) 412-7023
Fax (703) 413-2220